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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 003587

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E.O. 12958: DECL: 12/17/2012
TAGS: [PREL](#) [PGOV](#) [KISL](#) [KPAL](#) [IS](#)
SUBJECT: MUGHRABI GATE CHIEF ARCHEOLOGIST ON EXCAVATIONS,
NEXT STEPS

REF: A. TEL AVIV 2326

[1](#)B. TEL AVIV 455
[1](#)C. TEL AVIV 441
[1](#)D. JERUSALEM 2584
[1](#)E. JERUSALEM 2199
[1](#)F. JERUSALEM 1570
[1](#)G. JERUSALEM 252
[1](#)H. AMMAN 585
[1](#)I. PARIS 2484
[1](#)J. PARIS 2371
[1](#)K. PARIS 779
[1](#)L. STATE 15177

Classified By: DCM Luis G. Moreno for reasons 1.4 (b) and (d).

[1](#)1. (SBU) SUMMARY: The Israel Antiquities Authority's (IAA) chief archeologist for the Mughrabi Gate excavation site, John Seligman, told Poloff December 19 that, contrary to December 17 press reports, he has received no instructions to resume excavations at the site. Seligman disputed claims that the IAA would systematically destroy any antiquities newer than the year 1700 and noted that much of the Ottoman ruins at the site would be preserved along with the "Mamluk and earlier" remains. He argued that under the Antiquities Law, the IAA could resume excavations prior to the approval of construction plans for the new ramp, but said he would not do so unless ordered by the Prime Minister's Office. He expected the new plans to be submitted in the next couple of weeks, followed by a 60-day review period for public comment.
END SUMMARY.

No Instructions to Restart Excavations

[1](#)2. (SBU) IAA chief archeologist for the Mughrabi Gate excavations John Seligman told Poloff December 19 that, contrary to press reports this week indicating that the resumption of excavation work at the Mughrabi site was imminent, the IAA has not received instructions to resume excavations, and has no reason to expect instructions anytime soon. Seligman said the IAA will not resume excavations under its own authority because the site is too politically sensitive. Instead, the IAA will wait until either the plans for a new ramp are approved by the Jerusalem Planning Council, or until it receives a direct order to resume work from the Prime Minister's Office. He said that the Cabinet's November 29 decision -- to "instruct the Antiquities Authority to continue to operate in the area of the Mughrabi bridge with a view to bringing the work to a conclusion in the shortest time possible while maintaining full transparency and cooperating with the relevant parties" -- had not changed anything on the ground. (Note: The November 29 decision was taken after Ghaleb Majadle, Israel's first Muslim Minister, withdrew the objection he filed when the draft decision was first tabled on September 25.)

13. (SBU) Asked about the claim in a December 17 Ha'aretz article and subsequent reporting in the newsletter of Danny Siedeman's Ir Amim NGO that the IAA would likely destroy any relics from the Ottoman and Palestinian periods dating to the year 1700 or later in order to preserve earlier, mostly Jewish antiquities, Seligman countered that such suspicions were based on a misunderstanding of the Antiquities Law. The law, he said, does not make any judgments about the heritage value of any relic, regardless of age. Instead, it mandates sensitive treatment of anything from before 1700, while also authorizing the IAA to use its professional judgment with regard to artifacts from 1700 or later. Moreover, structures and relics from 1700 or later that are an "integral part" of earlier structures or relics -- as is largely the case at the Mughrabi site where various civilizations built structures on top of one another century after century -- must be preserved along with their earlier parts. Seligman said that at the Mughrabi site, the IAA intends to conserve Ottoman remains along with those from the Mamluk and, if needed, earlier periods. (IAA Director General Shuka Dorfman told Poloff in July that most of the pre-Mamluk remains would remain underground and unexcavated (Ref. A).)

Legal Authority: Can but Won't

14. (SBU) Seligman noted that Ha'aretz and Ir Amim were also mistaken when they argued that under Israeli law, excavations at the site could not legally resume absent an approved construction plan for the new ramp. The Antiquities law allows two types of excavations, he said: one is for salvage purposes in order to conserve antiquities prior to

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development, while the other is for conservation and scholarship in its own right, regardless of any plans to develop a given site. Seligman argued that the IAA could legally excavate and conserve the Mughrabi site under the latter provision, regardless of the ramp issue. He stressed again, however, that the IAA would not resume work absent a direct order from the PMO or an approved construction plan for the new access ramp.

Next Steps in the Planning Process

15. (SBU) Asked about next steps in the planning and excavation process, Seligman said that the revised plans for the access ramp (described Ref. A) will likely be deposited with the Jerusalem District Planning Council in the "next couple of weeks," as soon as they are translated into English. (Note: Both the original and the revised plans were developed by the Western Wall Heritage Fund, a quasi-governmental organization under the authority of the Prime Minister's Office.) Once submitted to the Planning Council, the public will have 60 days to review the plans and file any comments or objections. Any objections raised during the review process will be examined by a subcommittee of the council, which could add considerable time to the review process. Once the plans are approved, with or without any modifications arising from the review process, the IAA will proceed with its excavations. Construction of the new ramp will not start until the excavations are completed.

16. (C) COMMENT: While we are not sure how to reconcile the Cabinet's November 29 decision "instructing" the IAA to complete its work "in the shortest time possible" with Seligman's assertion that the IAA has not received orders from the PMO to proceed, it is clear from our own and Ref. D observations that nothing has changed at the site itself, at least for now.

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JONES